

AMENDED  
APPLICATION FOR PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Nº 38371

Date of filing in State Engineer's Office..... JUN 19 1979  
Returned to applicant for correction..... NOV 2 1979  
Corrected application filed..... DEC 10 1979  
Map filed..... DEC 10 1979 under 38366

The applicant W.H. Gibbs Co. c/o Boyack Surveying, Inc.  
515 South Fifth Street, of Elko,  
Street and No. or P.O. Box No. City or Town  
Nevada 89801, hereby make application for permission to appropriate the public  
State and Zip Code No.  
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated in Elko, Nevada  
on August 18, 1960.

1. The source of the proposed appropriation is Underground (Horizontal Well No. 2)  
Name of stream, lake or other source.
2. The amount of water applied for is 0.05 cfs second-feet  
One second-foot equals 448.83 gals. per min.  
(a) If stored in reservoir give number of acre-feet..... acre-feet
3. The water to be used for Stockwater  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:  
(a) Irrigation (state number of acres to be irrigated).....  
(b) Stockwater (state number and kinds of animals to be watered)..... 500 - 1000 cattle  
(c) Other use (describe fully under "No. 12. Remarks").....  
(d) Power:  
(1) Horsepower developed.....  
(2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point: Lot 2 Section 35, T43N,  
R60E, MDB&M, at a point from which the SW corner of said Section 35  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
bears S 65° 32' 17" W 3696.67 feet.  
it should be stated.
6. Place of use Lot 2 section 35, T43N, R60E, MDB&M.  
Describe by legal subdivision, if on unsurveyed land it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.  
Day and Month Day and Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Horizontal well above spring,  
pipeline and troughs.  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$5,000
10. Estimated time required to construct works.....3 years
11. Estimated time required to complete the application to beneficial use.....5 years
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Applicant W.H. Gibbs Co.

Bys/ Alan S. Boyack  
Alan S. Boyack  
515 South Fifth Street  
Elko, Nevada 89801

Compared 1p/ga  
Pro. 5/9/80 by B.L.M. jr/vjw

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

- This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.
- This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
- The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.
- This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0312 cubic feet per second, or sufficient to water 1000 head of cattle.

- Actual construction work shall begin on or before.....
- Proof of commencement of work shall be filed before.....
- Work must be prosecuted with reasonable diligence and be completed on or before.....September 9, 1995
- Proof of completion of work shall be filed before.....October 9, 1995
- Application of water to beneficial use shall be made on or before.....September 9, 1997
- Proof of the application of water to beneficial use shall be filed on or before.....October 9, 1997
- Map in support of proof of beneficial use shall be filed on or before.....N/A

Commencement of work filed.....  
Completion of work filed.....OCT 30 1995  
Proof of beneficial use filed.....OCT 17 1997  
Cultural map filed.....  
Certificate No. 14749 Issued NOV 12 1997  
Recorded.....Bk.....Page.....  
County Recorder

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this 9th day of September  
A.D. 1994  
State Engineer